

EXHIBIT B

**FILED
ALAMEDA COUNTY**

MAY 26 2021

CLERK OF THE SUPERIOR COURT
By R. D. D. Deputy

SUPERIOR COURT OF THE STATE OF CALIFORNIA

IN AND FOR THE COUNTY OF ALAMEDA

Coordinated Proceeding

No. JCCP 5108

Special Title (Rule 3.550)

**[PROPOSED] ORDER APPROVING C.C.P.
340.1(g) AND (m) CERTIFICATE FORMS**

NORTHERN CALIFORNIA CLERGY CASES

Judge: Hon. Winifred Smith
Coordination Trial Judge

Dept: 21

The Court, having reviewed the proposed forms for Certificate of Merit (Attorney), Certificate of Merit (Mental Health Care Provider) and Certificate of Corroborative Facts, copies of which are attached as Exhibit 1 to this Order, and No Objection having been made by Defendants' Liaison Counsel, hereby Orders that the forms are Approved for use in this Coordination Proceeding. Counsel for Individual Plaintiffs are further Ordered to use these forms for *in camera* requests made under seal pursuant to C.C.P. 340.1 (g) and (m).

The Court also has reviewed and approves the forms for Order Approving Certificate of Merits and Permitting Filing of First Amended Complaint, Order Approving Certificate of Corroborative Facts and Permitting Filing of First Amended Complaint, and Order Approving

1 Certificates of Merit and Corroborative Facts and Permitting Amendment of Complaint, attached
2 as Exhibit 2 to this Order, and Orders the applicable Proposed Order be submitted with all in
3 camera Applications for Approval.

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6 DATED: *May 26, 2021*

7 *Winifred Y. Smith*

8 Hon. Winifred Smith

9 Coordination Trial Judge

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EXHIBIT 1

1 XXXXXXXX
2 XXXXXXXX
3 XXXXXXXX
4 XXXXXXXX

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8 Attorneys for Plaintiff _____

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10 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**

11 **FOR THE COUNTY OF ALAMEDA**

12 _____, an individual

13) Case No. JCCP 5108

14 Plaintiff,

15) Original Filing No: (XXXXXX County, action
16) # XXXXXXXX)

17 vs.

18) **CERTIFICATE OF MERIT FOR**
19) **PLAINTIFF [XXXXXX] VERSUS**
20) **DEFENDANT DOE [IDENTIFY DOE #],**
21) **PURSUANT TO CODE OF CIVIL**
22) **PROCEDURE SECTION 340.1(g)(1)**

23 DOE 1, a Religious Corporation Sole,
24 DOE 2, a religious entity form unknown,
25 and DOE 3 through DOE 100.

26) **Filed Pursuant to Code of Civil Procedure**
27) **Section 340.1, as amended by Assembly Bill**
28) **218**

29 Defendant(s).

30)
31) Judge: Hon. Winifred Smith
32) Coordination Trial Judge
33)
34) Complaint Filed:
35) Trial Date: None Set

36 **LODGED CONFIDENTIALLY FOR *IN CAMERA* REVIEW ONLY**
37 **PURSUANT TO CODE OF CIVIL PROCEDURE SECTION 340.1(g)(1)**

38 This Certificate of Merit and Declaration in Support thereof is submitted by the
39 undersigned **confidentially for *in camera* review only**, pursuant to California *Code of Civil*
40 *Procedure* section 340.1(g)(1).

CERTIFICATE OF MERIT AND DECLARATION OF (ATTORNEY NAME)

I, _____, declare:

1. I am an attorney licensed to practice law in all of the Courts of the State of California.

2. I am an attorney of record in the above-entitled action.

3. I have reviewed the facts of the above-entitled case. I have consulted with

8 DR. _____, Ph.D, a mental health practitioner licensed to practice and
9 practicing in this state. I reasonably believe that DR. _____, Ph.D is knowledgeable
10 of the relevant facts and issues involved in this action.

4. DR. [REDACTED], Ph.D is not a party to the litigation.

5. On the foregoing basis, I have concluded that there is reasonable and meritorious cause for filing of the action against Defendant DOE [IDENTIFY DOE #; SEPARATE CERTIFICATE NEEDED FOR EACH DOE] _____.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

DATED:

1 XXXXXXXX
2 XXXXXXXX
3 XXXXXXXX
4 XXXXXXXX

4 Attorneys for Plaintiff _____

8 SUPERIOR COURT OF THE STATE OF CALIFORNIA

9 FOR THE COUNTY OF ALAMEDA

10 _____, an individual) Case No. JCCP 5108
11 Plaintiff,) Original Filing No: (XXXXXX County, action #
12 vs.) XXXXXXXXX)
13 DOE 1, a Religious Corporation Sole,) **MENTAL HEALTH CARE PROVIDER'S**
14 DOE 2, a religious entity form unknown,) **CERTIFICATE OF MERIT**
15 and DOE 3 through DOE 100.) [C.C.P. 340.1]
16 Defendant(s).) Judge: Hon. Winifred Smith
17) Coordination Trial Judge
18) Complaint Filed:
19) Trial Date: None Set
20 _____)

21 **CONDITIONALLY SUBMITTED UNDER SEAL PURSUANT TO**
22 **CALIFORNIA RULES OF COURT RULE 2.551 AND CODE OF CIVIL**
23 **PROCEDURE SECTION 340.1(g)(2)**

24 This Certificate of Merit and Declaration in Support thereof is submitted by the
25 undersigned pursuant to California *Code of Civil Procedure* section 340.1(g)(2).
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DECLARATION OF DR. [MHC Provider Name]

I, [Mental Health Care Provider Name], do hereby declare:

1. I am a mental health practitioner licensed to practice in the State of California, am currently practicing in _____, California.
2. I am not a party to this action.
3. I am not now, nor have I ever, seen Plaintiff _____ for purposes of treatment.
4. I have interviewed Plaintiff _____ and am knowledgeable of the relevant facts and issues involved in this particular action.
5. Based on my education, experience, understanding of the relevant facts and issues and after having interviewed Plaintiff _____, it is my professional opinion that there is a reasonable basis to believe that _____ was sexually abused as a minor.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct. As to the foregoing statements made by me upon information and belief, I believe them to be true.

Dated: _____

Dr. _____

1 XXXXXXXX
2 XXXXXXXX
3 XXXXXXXX
4 XXXXXXXX

4 Attorneys for Plaintiff _____

8 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**

9 **FOR THE COUNTY OF ALAMEDA**

10 XXXXXXXXXXXX, an individual

) Case No. JCCP 5108

11 Plaintiff,

) Original Filing No: (XXXXXX County, action
12) # XXXXXXXXX)

vs.

) **ATTORNEY'S CERTIFICATE OF
13 CORROBORATIVE FACT**

14 DOE 1, a Religious Corporation Sole,

)

15 DOE 2, a Religious Entity Form Unknown,

) Judge: Hon. Winifred Smith

16 and DOE 3 through DOE 100.

) Coordination Trial Judge

17 Defendant(s).

) Complaint Filed:
18) Trial Date: None Set

19 **CONDITIONALLY SUBMITTED UNDER SEAL**
20 **PURSUANT TO CALIFORNIA RULES OF COURT RULE 2.551 &**
21 **CODE OF CIVIL PROCEDURE SECTION 340.1 (l-o)**

1 This Certificate of Corroborative Fact is supported by this Declaration of (ATTORNEY)

2 I (ATTORNEY) hereby Declare as follows:

3 1. I am an attorney, licensed to practice law in the State of California, and an attorney for
4 Plaintiff.

5 2. I have discovered and I am aware of numerous corroborative facts that confirm or
6 support one or more of Plaintiff's charging allegations (as alleged in Plaintiff's Complaint For
7 Damages at paragraphs ____ and ____) against a defendant or defendants in this action.

8

9 **Corroborative Facts That Confirm or Support**
10 **One Of Plaintiff's Charging Allegations That Father (Perpetrator name)**
11 **Committed Acts of Childhood Sexual Assault Against Children while Employed By Defendant**

12 3. That I have personally obtained evidence of corroborative facts in this action
13 demonstrating Father _____, the perpetrator of the childhood sexual assaults upon
14 Plaintiff, is a known fixated serial pedophile with untold victims including numerous victims while
15 serving as a Roman Catholic Priest of Defendant DOE 1.

16 4. [OPTION 1]: I have personal knowledge of the contents of a corroborative fact
17 DOCUMENT, that on or about February 2019, Defendant DOE 1, released and published via the
18 world wide web a list of clergy whom have been "credibly accused" of sexually abusing children.
19 (<https://oakdiocese.org/credible-accusations#priests>). Father _____ is one of 64 clerics
20 identified on Defendant DOE 1's, public list of clergy credibly accused of sexually abusing
21 children: [COPY WEB PAGE INFO]

22 The location of Defendant DOE 1's public list of "credibly accused" clergy is the world wide web.

23 5. [OPTION 2]: I have personal knowledge of the contents of a corroborative fact
24 DOCUMENT, that Father _____ is listed on California's Megan Law Website as a criminal
25 convicted of a violation of Penal Code 288a, (Lewd or lascivious acts with a child under 14) ;
26 <https://www.meganslaw.ca.gov/mobile/Search.aspx#OffenderDetailPage>. The location of
27
28

1 California's Megan Law Website is the world wide web. I personally represented the victim of that
2 criminal sexual assault in a civil action against Doe 1, which was settled.

3 6. {OPTION 3} I have personal knowledge of corroborative fact statements of a
4 witness(es) and know that there are numerous other victims/survivors who have been sexually
5 assaulted as children by Father (Perpetrator).: (BASIS OF KNOWLEDGE) I am counsel for
6 numerous other victims/survivors who credibly state they were sexually assaulted (as children) by
7 Father _____. The identity and location of the other witnesses (victims/survivors of childhood
8 sexual assault) is protected by attorney client communication confidentiality. See Evidence Code
9 Section 954. However, some of the evidence corroborating the repetitive sexual assaults of children
10 by _____ while a priest in the employment of Doe 1, the Bishop of Oakland corporation sole, is
11 public. This evidence includes public statements reported by Press accounts dated _____,
12 including _____, made by victim _____, stating on or about _____ he was
13 sexually molested as a child at _____ by Perpetrator when Perpetrator was employed by
14 Defendant Doe 1. (The true name of Doe 1 is _____) and admissions by the Doe 3
15 Bishop (Or other official title) that Perpetrator was (include substance and dates/places/custodian of
16 statement(s)).

16 7. [OPTION 4] That in Judicial Council Coordination Proceeding Number 4359, *In Re*
17 *Clergy Cases III*, (approximately 2003 – 2006) {Or Other Legal Proceedings specifically identified}
18 Lawsuit(s) were filed and settled by Doe 1 that stated that the Plaintiff(s) _____ were
19 sexually assaulted as children by (Perpetrator). [OPTION: I personally represent(ed) two
20 victims/survivors whom, as children were sexually abused by Father _____, and [OPTION}
21 am personally aware of at least four others, represented by _____, which are in the
22 possession of the Diocese of Oakland, Doe 1, and include _____ (Case names and
23 action #s) that are in the files and records of the respective courts. [OPTION] I am also aware of
24 _____ pending cases (in this JCCP) in which individual Plaintiffs allege and this court's records
25 _____

1 contain pleadings stating that _____ (Perp) sexually assaulted the Plaintiffs in those cases
2 while employed by DOE 1. Those cases are: _____ (identify)

8. [OPTION 5]: I have personal knowledge of the contents of a corroborative fact
9 DOCUMENT, that through formal civil discovery/ public records/ from my client/ etc. and are in
10 the possession of _____, (described as police reports, personnel file materials, etc)
11 corroborating childhood sexual assault by Perpetrator while a priest of DOE 1. The locations of
12 each corroborative fact DOCUMENT include _____.

Corroborative Facts that Confirm or Support One Of Plaintiff's Charging Allegations,
That Defendant DOE 1 Negligently Supervised Father

2 The numerous corroborative facts (identified above) that confirm or support one or more of
3 Plaintiff's charging allegations as alleged in Plaintiff's Complaint For Damages in this action at
4 paragraphs _____, are sufficiently corroborative as to allow the Court to grant Plaintiff's
5 Application for Order Allowing Plaintiff to Amend the Complaint to substitute Defendant DOE 1
6 for the true name of Defendant as _____, a corporation sole, and [IF
7 APPLICABLE] Defendant DOE 2, for the true name of Defendant as _____,
8 a Religious Entity Form Unknown.

I declare and certify under penalty of perjury that the above is true and correct, that I have personal knowledge of the facts stated herein, and am competent to testify thereto

3 DATED:

Attorney for Plaintiff

EXHIBIT 2

**SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF ALAMEDA**

11 _____, an individual
12 Plaintiff,
13 vs.

15 DOE 1, a Religious Corporation Sole,
16 DOE 2, a religious entity form unknown,
17 and DOE 3 through DOE 100.
18 Defendant(s).

[PROPOSED] ORDER

25 The COURT, having read and considered Plaintiff's Application for *In Camera* Finding of
26 Reasonable and Meritorious Cause for Filing of Action and Order to Seal and Keep Confidential
27 All Certificates of Merit, the Memorandum of Points and Authorities filed in support thereof, and
28 the Certificates of Merit confidentially lodged by Plaintiff for *in camera* review, and good cause
appearing, **IT IS HEREBY ORDERED THAT:**

[PROPOSED] ORDER - 1

1 1. The Court has found, by *in camera* review, that there is reasonable and meritorious cause
2 for the filing of the action against Defendant DOE 1;

3 2. The Court has found, by *in camera* review, that there is reasonable and meritorious cause
4 for the filing of the action against Defendant DOE 2;

5 3. The Court has found, by *in camera* review, that there is reasonable and meritorious cause
6 for the filing of the action against Defendant [ADD DOES AS NEEDED];

7 4. CERTIFICATE OF MERIT (by Mental Health Practitioner) for Plaintiff versus Defendants
8 DOE 1 and DOE 2 [ADD DOES AS NEEDED] and pursuant to the Code of Civil
9 Procedure section 340.1(g)(2), previously lodged with the Court for *in camera* review only,
10 shall be sealed from the public record and kept confidential absent further ORDER of this
11 Court;

12 5. CERTIFICATE OF MERIT (by Attorney) for Plaintiff versus Defendant DOE 1, pursuant
13 to the Code of Civil Procedure section 340.1(g)(1), previously lodged with the Court for *in
14 camera* review only, shall be sealed from the public record and kept confidential absent
15 further ORDER of this Court; and

16 6. CERTIFICATE OF MERIT (by Attorney) for Plaintiff versus Defendant DOE 2, pursuant
17 to the Code of Civil Procedure section 340.1(g)(1), previously lodged with the Court for *in
18 camera* review only, shall be sealed from the public record and kept confidential absent
19 further ORDER of this Court.

20 7. CERTIFICATE OF MERIT (by Attorney) for Plaintiff versus Defendant [ADD DOES AS
21 NEEDED], pursuant to the Code of Civil Procedure section 340.1(g)(1), previously lodged
22 with the Court for *in camera* review only, shall be sealed from the public record and kept
23 confidential absent further ORDER of this Court.

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1 **IT IS SO ORDERED.**

2 DATE:

3 Honorable Winifred Smith
4 Coordination Trial Judge

[PROPOSED] ORDER - 3

**SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF ALAMEDA**

11 _____, an individual
12 Plaintiff,
13 vs.

15 DOE 1, a Religious Corporation Sole,
16 DOE 2, a religious entity form unknown,
17 and DOE 3 through DOE 100.
18 Defendant(s).

18 | Defendant(s).

) Case No. JCCP 5108
)
) Original Filing No: (XXXXXX County, action
) # XXXXXXXXXX)
)
) **[PROPOSED] ORDER**

) **GRANTING PLAINTIFF'S APPLICATION**
) **FOR *IN CAMERA* FINDING THAT**
) **DEFENDANT DOE DESIGNATION(S)**
) **MAY BE SUBSTITUTED FOR TRUE**
) **NAME(S); AND ORDER TO SEAL AND**
) **KEEP CONFIDENTIAL CERTIFICATE**
) **OF CORROBORATIVE FACTS**

Judge: Hon. Winifred Smith
Coordination Trial Judge

Complaint Filed: Trial Date: None Set

[PROPOSED] ORDER

25 The COURT, having read and considered Plaintiff's Application for *In Camera* Finding of
26 that Plaintiff may substitute the Defendants' true names for the fictitious DOE designations and
27 Order to Seal and Keep Confidential the Certificate of Corroborative Fact, confidentially lodged by
28 Plaintiff for *in camera* review, **IT IS ORDERED:**

1. Pursuant to Code of Civil Procedure section 340.1(l-o), the Court has found, by *in camera*
2 review of Plaintiff's Certificate of Corroborative Fact, that Plaintiff may substitute the true
3 name [TRUE NAME OF DEFENDANT DOE 1], a corporation sole, for Defendant DOE 1;
4
5. Pursuant to Code of Civil Procedure section 340.1(l-o), the Court has found, by *in camera*
6 review of Plaintiff's Certificate of Corroborative Fact, that Plaintiff may substitute the true
7 name [TRUE NAME OF DEFENDANT DOE 2], a religious entity form unknown, for
8 Defendant DOE 2;
9. Pursuant to Code of Civil Procedure section 340.1(l-o), the Court has found, by *in camera*
10 review of Plaintiff's Certificate of Corroborative Fact, that Plaintiff may substitute the true
11 name [TRUE NAME OF DEFENDANT DOES AS NEEDED], for Defendant [ADD
12 DOES AS NEEDED]; and
13. Pursuant to Code of Civil Procedure section 340.1(l-o), the Court ORDERS that Plaintiff's
14 Certificate of Corroborative Fact remain under seal, confidential from the public and all
15 parties to this litigation, other than Plaintiff, until further ORDER of the Court.

IT IS SO ORDERED.

DATE:

Honorable Winifred Smith
Coordination Trial Judge

**SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF ALAMEDA**

12 Plaintiff,

13

15 | DOE 1, a Religious Corporation Sole.

16 | DOE 2, a religious entity form unknown.

17 and DOE 3 through DOE 100.

18 | Defendant(s).

[PROPOSED] ORDER - 1

[REDACTED] ORDER

The COURT, having read and considered Plaintiff's Application for *In Camera* Finding of Reasonable and Meritorious Cause for Filing of Action and Order to Seal and Keep Confidential All Certificates of Merit, the Memorandum of Points and Authorities filed in support thereof, and the Certificates of Merit confidentially lodged by Plaintiff for *in camera* review, and good cause appearing, **IT IS HEREBY ORDERED THAT:**

1. The Court has found, by *in camera* review, that there is reasonable and meritorious cause for the filing of the action against Defendant DOE 1;
2. The Court has found, by *in camera* review, that there is reasonable and meritorious cause for the filing of the action against Defendant DOE 2;
3. The Court has found, by *in camera* review, that there is reasonable and meritorious cause for the filing of the action against Defendant [ADD DOES AS NEEDED];
4. CERTIFICATE OF MERIT (by Mental Health Practitioner) for Plaintiff versus Defendants DOE 1 and DOE 2 [ADD DOES AS NEEDED] and pursuant to the Code of Civil Procedure section 340.1(g)(2), previously lodged with the Court for *in camera* review only, shall be sealed from the public record and kept confidential absent further ORDER of this Court;
5. CERTIFICATE OF MERIT (by Attorney) for Plaintiff versus Defendant DOE 1, pursuant to the Code of Civil Procedure section 340.1(g)(1), previously lodged with the Court for *in camera* review only, shall be sealed from the public record and kept confidential absent further ORDER of this Court; and
6. CERTIFICATE OF MERIT (by Attorney) for Plaintiff versus Defendant DOE 2, pursuant to the Code of Civil Procedure section 340.1(g)(1), previously lodged with the Court for *in camera* review only, shall be sealed from the public record and kept confidential absent further ORDER of this Court.

1 7. CERTIFICATE OF MERIT (by Attorney) for Plaintiff versus Defendant [ADD DOES AS
2 NEEDED], pursuant to the Code of Civil Procedure section 340.1(g)(1), previously lodged
3 with the Court for *in camera* review only, shall be sealed from the public record and kept
4 confidential absent further ORDER of this Court.
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6 The COURT, having read and considered Plaintiff's Application for *In Camera* Finding of that
7 Plaintiff may substitute the Defendants' true names for the fictitious DOE designations and Order
8 to Seal and Keep Confidential the Certificate of Corroborative Fact, confidentially lodged by
9 Plaintiff for *in camera* review, **IT IS FURTHER ORDERED:**
10

11 8. Pursuant to Code of Civil Procedure section 340.1(l-o), the Court has found, by *in camera*
12 review of Plaintiff's Certificate of Corroborative Fact, that Plaintiff may substitute the true
13 name [TRUE NAME OF DEFENDANT DOE 1], a corporation sole, for Defendant DOE 1;

14 9. Pursuant to Code of Civil Procedure section 340.1(l-o), the Court has found, by *in camera*
15 review of Plaintiff's Certificate of Corroborative Fact, that Plaintiff may substitute the true
16 name [TRUE NAME OF DEFENDANT DOE 2], a religious entity form unknown, for
17 Defendant DOE 2; and

18 10. Pursuant to Code of Civil Procedure section 340.1(l-o), the Court ORDERS that Plaintiff's
19 Certificate of Corroborative Fact remain under seal, confidential from the public and all
20 parties to this litigation, other than Plaintiff, until further ORDER of the Court.
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22 **IT IS SO ORDERED.**
23

24 DATE: *May 26, 2021*
25

Winifred J. Smith
Honorable Winifred Smith
Coordination Trial Judge

Superior Court of California, County of Alameda
Department 21, Administration Building

Case Number: JCCP005108
Case Name: Northern California Clergy Cases

RE: ORDER APPROVING CCP 340.1(G) AND (M) CERTIFICATE FORMS

DECLARATION OF ELECTRONIC SERVICE

I certify that I am not a party to these cases and that a true and correct copy of the foregoing document was served electronically pursuant to "Order Authorizing Electronic Service", entered in these coordinated proceedings on January 25, 2021, via the CASE ANYWHERE system. Execution of this certificate occurred at 1221 Oak Street, Oakland, California.

Executed on May 28, 2021

Executive Officer/Clerk of the Superior Court

By *Belinda Mercado*
Deputy Clerk